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SUBJECT: UKRAINE: USOSCE AMBASSADOR FINLEY'S VISIT TO
UKRAINE IN THE RUN-UP TO THE PARLIAMENTARY ELECTIONS

1. (SBU) Summary: U.S. Ambassador to the OSCE Julie Finley visited Kiev February 28-March 2 and met with OSCE, Central Election Commission (CEC), and political party representatives to get a better sense of how the run-up to the March 26 elections was proceeding. She noted repeatedly that the USG was watching closely to determine how the elections were conducted. Almost all interlocutors pointed to a vastly improved climate for the campaign in comparison to 2004, with the turnaround in media freedom a key factor. However, the OSCE's Election Observation Mission (EOM) voiced concern about the large shortage in personnel (some 27,000 slots or six percent of the total) to man the polling station commissions (PSCs). As a result, several PSCs are not fully functional; this could hamper election preparations. The CEC acknowledged problems existed but stressed they were more logistical rather than political (e.g., blatant use of administrative funds to help the party in power). Some opposition parties did point to cases of dirty tricks or harassment, but the EOM stressed these were largely isolated or greatly exaggerated. The overall impression was that the GOU and most of the political parties were genuinely committed to conducting fair elections. On a separate issue, the Presidential Secretariat noted problems in changing the OSCE mandate. End Summary.

ODIHR Observation Mission -- Good So Far, But...

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2. (SBU) In his March 1 meeting with Ambassador Finley, Ambassador Lubomir Kopaj, head of the OSCE's Election Observation Mission (EOM) in Ukraine noted that they had 52 long-term observers in almost all of Ukraine's oblasts and that thus far, the situation had been very calm. He said that media freedom had improved significantly since the 2004 presidential elections and that it was clear the GOU was genuinely interested in holding free and fair elections. Most of the allegations of violations had been grossly exaggerated or had not even taken place. However, as the campaign heated up, he expected the appearance of dirty tricks and potential kompromat (compromising materials).

3. (SBU) Kopaj said that the EOM was concerned about three main issues leading up to the election.

--First was the large shortage in personnel to man the precinct election commissions. The 15 parties/factions currently in the Rada have a right to have their representatives on the commissions, but since most are not truly national organizations, only a few have actually done so. This means there are some 27,000 vacant slots, or six percent of the total on the PSCs. As a result, several PSCs are not fully functional, which, in turn, could hamper election preparations. The Central Election Commission (CEC) wants a law that would allow local governments to put people on the local commissions; however, that could disrupt the commissions' balance and affect their integrity. Kopaj thought one possible compromise would be to have more representatives from the bigger parties, though he did not have the capacity to formally make such a recommendation.

--The second issue was that some polling stations, particularly in urban areas, have more registered voters than the mandated 2500 maximum, which could lead to long lines and a more drawn-out tabulation process.

--Finally, it did not appear that the CEC had the ability to publish the election results of each polling station, which was important to help track any possible fraud.

CEC, OSCE - Working on the Problems

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4. (SBU) Deputy Head of the CEC Mykola Melnik told Ambassador Finley March 2 that they were well aware of the problems raised by the EOM. (Melnik said that CEC head Davidovych was unable to make the meeting as scheduled as he had to deal with an emergency at the factory that makes ballots.) He contended that the problems that the CEC faced so far had been logistical (getting the PSCs staffed) rather than political (e.g., blatant use of administrative funds to help the party in power). He said the political parties had been "irresponsible" in either not nominating enough people to serve on the commissions or nominating those who clearly had no desire to do so. The CEC has told the parties that such

actions endanger the political process. Regarding large numbers of voters at some polling stations, Melnik said they have expanded voting time by three hours, from 7 a.m. to 10 p.m., rather than 8 a.m. to 8 p.m., and by expanding the number of stations (though still not as many as they would like).

15. (SBU) Melnik said that when fraud is reported on election day or thereafter, the commissions will investigate. There will be police officers at every polling station to take reports and duty officers in the courts to deal with the complaints quickly. He said he personally was not concerned about such problems as false protocols, which were a major issue last time, but rather with the ability of the local commissions to operate effectively.

16. (U) Melnik had high praise for the electronic voter list project, implemented by the Project Coordinator in Ukraine (PCU), the OSCE's field presence. He said he had just completed a trip throughout Ukraine and was able to see firsthand how effective the program had been.

17. (U) In a March 2 meeting, PCU head Jim Schumaker explained that the project, which cost approximately Euros 4.5 million and to which the U.S. was a major contributor, provided over 1000 computers, 800 printers and 27 servers to the CEC to completely update and modernize voter lists. The project was able to purge more than one million names from old lists, which will greatly enhance elections' transparency and avoid the situation in 2004, where the Kuchma administration created phony voter lists on election day and then falsified voting results based on those lists. In addition, the PCU has created grassroots forums for people to meet with local authorities to discuss issues. Schumaker noted that so far, there has been an absence of complaints regarding the campaign.

The Opposition - Some Praise, Some Complaints

18. (SBU) In several meetings, leading candidates and representatives of political parties had some complaints regarding the conduct of the campaign though none accused the GOU of trying to outright rig the elections. Most acknowledged, either openly or grudgingly, that media freedom was far better than before. Ambassador Finley told all party and GOU representatives that the USG was watching closely to determine how the March 26 elections were being conducted. She reminded them that in a democratic system, one loss was not forever and that no matter what happened, she urged the parties to continue doing the work necessary to broaden their support so that they would be in a better position next time.

19. (SBU) Party of the Regions leader (and 2004 presidential candidate) Viktor Yanukovych noted that opposition parties did not have the same advantages as the party in power and claimed they had problems getting air time. He even maintained that the Presidential Administration still sent instructions down to media outlets from time to time, just like under Kuchma. On the other hand, he did acknowledge that there had been major improvements on freedom of speech. (Note: Yanukovych on March 4 publicly attacked the Yushchenko government as preparing massive voter fraud in an attempt to rig the elections.)

110. (SBU) Others, however, were far less critical. Oligarch and Party of the Regions financier and Rada candidate Rinat Akhmetov told Ambassador Finley in a separate March 1 meeting that the GOU deserved credit, with the help of the OSCE, for creating a much better atmosphere, especially on media freedom, and that opposition parties had equal access to mass media (note: Akhmetov owns both TV stations and newspapers). He flatly denied any assertions that the GOU was somehow telling the media what to report, noting that they have often been very critical of President Yushchenko.

111. (SBU) Oleksandr Turchynov, Campaign chief for the Yuliya Tymoshenko Bloc (BYuT), also admitted that the campaign was vastly improved from those in the Kuchma era, but said the GOU had been "too weak" to fully prevent some abuse of administrative resources at the local level. He also showed concrete examples of dirty tricks, done by an unknown group. He pointed to a professionally done flyer with a photo of Tymoshenko offering children to celebrate her birthday at McDonald's, where they would get a free hamburger. No such offer existed. Another example was of a poster with the bloc's heart logo which asked people to report their neighbors to the authorities if they did not pay their taxes. He said these were clear attempts to undermine BYuT's campaign. Ambassador Finley replied that unfortunately, such things happened in more established democracies, such as the U.S., and that the real issue was whether the candidate had any recourse to counter the bad publicity, such as by getting on the news or alerting people via the Internet.

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12. (SBU) During her February 28 meeting with First Deputy Chief of Staff of the Presidential Secretariat Ivan Vasyunyk, Ambassador Finley raised the issue of the PCU's mandate, which had to be renewed every six months (versus once a year for most other OSCE field presences) and which also did not allow the PCU head to comment on political developments in the country. Vasyunyk replied that the mandate had been negotiated under Kuchma and was ratified by the Rada. While the GOU is generally satisfied with the PCU's work and wants to increase the number of Ukrainian staffers in the OSCE Secretariat, it is also hesitant to do anything to change the

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mandate, at least for the time being. Such a change would need to be reviewed by the Rada. That could open it up to other, less helpful changes, which would only hurt the PCU's work.

13. (U) Ambassador Finley cleared on this cable.

14. (U) Visit Kiev's classified website:
www.state.sgov.gov/p/eur/kiev.
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